

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL (ST.) NO.23023 OF 2005

WITH

CIVIL APPLICATION (ST.) NO.23024 OF 2005

Pandurang Dashrath Yamghar ..Appellant.

Vs.

Suresh Pundalik Patil ..Respondent.

....

Mr.K.Shaikh for the Appellant.

CORAM : DR.D.Y.CHANDRACHUD, J.

30th November 2005.

P.C. :

Mentioned. Not on Board.

The concurrent finding of both the Courts below is that the tenancy was terminated by a valid notice of termination and that the notice of termination was duly served on the Appellant. The despatch of the notice was duly established in the evidence of P.W.1 and P.W.2. P.W.2 specifically

deposed that despite intimation, the notice has not been claimed. In the circumstances, the Second Appeal does not raise any substantial question of law and is accordingly dismissed. However, time to vacate the premises is granted to the Appellant until 31st March, 2006, subject to the filing of the usual undertaking within a period of four weeks from today.

In view of the disposal of the Second Appeal, the Civil Application is rendered infructuous and is accordingly disposed of.